IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 2782 of 2005(F)

OS.158/2002 of SUB COURT,KOTTARAKKARA

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PETITIONER:

SURAYYA BEEGUM, AGED 43 YEARS,
WIFE OF MAJEED, RESIDING AT S.M.NIVAS, AVANOOR,
NEDUVATHUR VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.NOBLE MATHEW

RESPONDENTS:

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1. THE KERALA KHADI & VILLAGE INDUSTRIES
BOARD, THIRUVANANTHAPURAM, REPRESENTED BY ITS
SECRETARY.

2. THE TAHSILDAR,
KOTTARAKKARA TALUK, KOTTARAKKARA.

3. THE DY. TAHSILDAR (REVENUE RECOVERY),
KOTTARAKKARA.

R1 TO R3 BY ADV. SRI.SHYSON P. MANGUZHA, GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 2782 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE PLAINT FILED BY THE PETITIONER BEFORE THE SUB COURT AT KOTTARAKKARA IN OS NO.158/02.

EXT.P2 : TRUE COPY OF THE ORDER OF THE SUBORDINATE JUDGES COURT, KOTTARAKKARA IN IA NO.895/02 IN OS NO.155/2002 DT.29.07.03.

EXT.P3 : TRUE COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND RESPONDENT DT.NIL.

EXT.P4 : TRUE COPY OF THE ADVANCE PETITION FILED BY THE PETITIONER IA NO.117/05 DT.22.01.05.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 2782 OF 2005

Dated this the 3rd day of August, 2007

JUDGMENT

I have heard the learned Government Pleader.

The grievance of the petitioner is that even as IA No.909/02 in OS No.158/02 is pending before the Subordinate Judges court, Kottarakkara seeking stay of the Revenue Recovery Proceedings presently initiated at the instance of 1st respondent through respondents 2 and 3, are being enthusiastically continued. The first prayer in the Writ Petition is that the Subordinate Judge, Kottarakkara be directed to pass orders on IA No.909 of 2002. Noticing the prayers, this court granted stay for three months on condition that the petitioner pays a sum of Rs.1 lakh within one month from 25.01.05. It is not known whether the above condition has been complied with by the petitioner. However, having regard to the prayers in the Writ Petition and the submissions of the learned Government Pleader, the Writ Petition will stand disposed of issuing the following directions:

1. If IA No.909 of 2002 in OS No.158 of 2002 is even now pending before the Subordinate Judges court, Kottarakkara, that court will take up that IA, hear both sides and pass appropriate orders on the same at the earliest and at any rate within three

weeks of production of a copy of this judgment before the court.

2. The respondents will verify whether the petitioner has remitted a sum of Rs.1 lakh towards his liability before 25.02.05 pursuant to this court's order dt.25.01.05. If on verification it is seen that the remittance has been made, they will hold up further Revenue Recovery Proceedings for another period of two months. It is open to the petitioner to liquidate the liability in the meanwhile. Subject to any order which may be passed by the Subordinate Judge, Kottarakkara on the said petition filed by the petitioner, the order of stay issued by this court will not continue beyond two months.

PIUS C. KURIAKOSE, JUDGE

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